

CINCINNATI POLICE DEPARTMENT



STAFF NOTES

Colonel Thomas H. Streicher, Jr., Police Chief
July 29, 2003

<u>ITEM</u>	<u>SUBMITTED BY</u>
1. <u>LABOR DAY HOLIDAY</u>	RECORDS SECTION
2. <u>FOOTER CHANGE TO PROCEDURE 15.100 CITIZEN COMPLAINTS</u>	PLANNING SECTION
3. <u>DONATED TIME FOR CLERK TYPIST 2 (CTII) AUDREY ATES</u>	RECORDS SECTION
4. <u>CITIZEN COMPLAINT AUTHORITY INFORMATION REQUESTS</u>	INTERNAL INVESTIGATIONS SECTION
5. <u>REVISION OF PROCEDURE 12.545, USE OF FORCE</u>	PLANNING SECTION
6. <u>THANK YOU EMAIL</u>	CHIEF'S OFFICE

1. LABOR DAY HOLIDAY

On Monday, September 1, 2003, the Hamilton County Municipal Court will observe the Labor Day Holiday. Courtroom A will be open in the morning ONLY. All other courtrooms will be closed.

Officers are reminded not to issue citations requiring a court appearance on this date.

2. FOOTER CHANGE TO PROCEDURE 15.100 CITIZEN COMPLAINTS

In the Staff Notes dated July 8, 2003, item #5, the revised procedure 15.100 Citizen Complaints was published with the incorrect footer date. The procedure reads Rev. 07/08/03, Replaces 10/21/03 which is incorrect and should read "Rev. 07/08/03, Replaces 10/21/02" instead. Personnel are advised to change the footer date by hand or to get a copy of the corrected procedure from the Intranet or on the Department web page at <<http://www.cincinnati-oh.gov/pages/-282-/>>.

3. DONATED TIME FOR CLERK TYPIST 2 (CTII) AUDREY ATES

Ms. Audrey Ates, CTII, has been assigned to the Police Department since June 11, 1978, and is currently assigned to Police Records Section. On July 17, 2003, Ms. Ates underwent eye surgery. Ms. Ates has depleted her sick and vacation balances.

Any department member wishing to voluntarily donate time for Ms. Ates should submit a Form 25S to their district/section/unit commander, listing Audrey Ates' name, section, and the kind of time and hours being donated. Sick time may not be donated. The donor's rank and signature must appear on the Form 25S.

4. CITIZEN COMPLAINT AUTHORITY INFORMATION REQUESTS

The Citizen Complaint Authority currently routes all information/document requests and notices to appear for interviews through the Internal Investigations Section.

Effective immediately, the Citizen Complaint Authority will route their information/document requests and notices to appear for interviews, in writing, directly to the affected District/Section/Unit utilizing the contact persons listed below.

Notices to Appear/Copies of MVR Tapes/Offense Reports/Arrest Reports/Worksheets/Physical Evidence/ESL logs

<u>District One</u>	Sgt. Tim Fritz	352-4564
<u>District Two</u>	Sgt. Martin Mack	979-4445
<u>District Three</u>	Sgt. Steve Piening	352-2388
<u>District Four</u>	Sgt. Dan Ogilvie	352-3599
<u>District Five</u>	Sgt. Matt Hassert	352-6172
<u>Special Services</u> (Park/K9/Traffic/Mounted)	Sgt. Hank Ward	352-4088
<u>CIS</u>	Sgt. Sylvia Morales	352-3542
<u>Vice/SCU/RENU</u>	Sgt. Scott Fritz	352-2555
<u>Impound Lot</u>	Sgt. Guy Willhite	352-6370
<u>Youth Services</u> (School Resource Officers/DARE)	Lt. Joe Williams	352-2594

Use of Force/Injury to Prisoner/Chemical Irritant Reports (including tapes of interviews if applicable)

<u>Inspections Section</u>	Lt. Teresa Theetge	564-1870
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Computer Aided Dispatch Reports/Communications Tapes

<u>PCS</u>	P.O. Mark Roush	352-3082
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Internal Investigations Section Reports/Case Updates

<u>IIS</u>	Lt. Mark Briede	564-1840
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Personnel Jackets

<u>Personnel Section</u>	A.T. Gail Seibert	352-4862
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5. REVISION OF PROCEDURE [12.545](#), USE OF FORCE

Procedure 12.545, Use of Force has been revised. Changes include:

Definition Section: Paragraphs 11, 12 and 13 clarify when a command officer must be present when deploying chemical irritant, 40 MM foam round, pepperball launcher, beanbag shotgun, or other use of force in crowd situations.

Information Section: Paragraph one describing beanbag shotgun and 40 MM sponge rounds.

Paragraph six clarifying uses of beanbag shotgun and 40 MM rounds.

Paragraph 13 clarifies when verbal warning must be issued prior to using chemical irritant.

Use of Force Continuum: Explanation at bottom of page.

Procedure Section:

A.7. - Verbal warnings

B.4.b. - Verbal warnings

This revision is effective immediately. All personnel are reminded to review this procedure in its entirety. Revised Procedure 12.545 is available on the Intranet and on the Department web page at www.cincinnati-oh.gov/pages/-282-/.

6. THANK YOU EMAIL

[Attached](#) to these Staff Notes is a thank you email written by T.J. Justice commending three of our officers for their professionalism displayed while attending the funeral for a Wellston police officer.

12.545 USE OF FORCE

Reference:

Graham vs. Conner, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

Manual of Rules and Regulations - 1.22, 1.23, 1.24,
1.25, 2.12,
2.26A&B, 4.05

Ohio Revised Code - 2901.01(A)(5) Definitions
(Serious physical harm to
persons)

Procedure 12.140 - Canine Operations

Procedure 12.170 - Civil Disturbance Operation
Procedure

Procedure 12.550 - Discharging of Firearms by
Police Personnel

Procedure 12.554 - Investigatory Stops and Field
Interview Report (FIR)

Procedure 12.600 - Prisoners: Securing, Handling,
and Transporting

Procedure 12.905 - Fingerprinting and Photographing
of Juveniles

Procedure 15.100 - Citizen Complaints

Standards Manual - 1.3.1, 1.3.2, 1.3.4, 1.3.5,
1.3.6, 1.3.7, 1.3.9, 1.3.10,
46.1.4

Definitions:

Actively Resisting: the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Force: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms, chemical spray, choke holds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person, with no or minimal resistance.

Hard Hands: using physical pressure to force a person against an object or the ground, or use of physical strength or skill that causes pain or leaves a mark; leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Serious use of force: any action by a CPD officer that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured (as defined in ORC 2901.01(A)(5) or requires hospital admission.

Escorting: the use of light pressure to guide a person, or keep a person in place.

Choke Holds: The courts could consider a chokehold or other similar type holds as deadly force. Chokeholds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type chokehold to prevent the swallowing of evidence is prohibited.

Deadly Force: force likely to cause or capable of producing death.

Self-Defense: protecting oneself or another from physical harm or serious physical harm.

Crowd Management: observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control: The use of police action to stop the activities of persons assembled.

Use of force in crowd management and/or control: Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from an risk of death or physical harm or is necessary to effect the arrest of an actively resisting subject, or to prevent the escape of that subject.

Officers encountering crowds will address the situation and determine if a need exists or may exist requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is required or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools or tactics used to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

The use of force (including the beanbag shotgun, the 40 MM foam round and the pepperball launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd, unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, the 40 MM foam round, or the pepperball launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse

Information:

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative that may be used to subdue or incapacitate a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tactical tools have been designed for law enforcement to assist in resolving situations, which could otherwise result in the use of deadly force.

They are designed to enable officers to subdue or incapacitate a subject, in order to prevent imminent physical harm to the officer or another person, by allowing the officers to maintain greater distance between themselves and the subject. Most of the time these tactical tools are used when a subject is armed with or simulating the possession of a potentially deadly instrument and often is someone who is emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled by a lower level of force.

Use of these types of tactical tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime at issue, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

PR-24: The PR-24 is an impact tool that offers a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the PR-24 is less likely to cause injury to the officer and provides added distance from the subject. Officers should target a subject's torso, arms, and legs, and avoid, unless threatened with serious physical harm, the subject's head, throat, neck, heart, and groin.

Pepperball: The Pepperball launcher is a non-lethal tool, according to the manufacturer, and provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

Taser: The taser is an electronic control device that is a less lethal force alternative used to assist officers in the performance of their duties. The taser is designed to temporarily immobilize a violent or potentially violent suspect. It generates electricity in a small, hand held battery operated unit about the size of a flashlight. When properly used, the taser generates an electrical current that dominates the existing neuromuscular system. Suspects become disoriented and unable to control muscular movement, allowing officers to subdue them.

The taser electronic control device may be used in situations where time and conditions permit the consideration of an alternate force. The taser can be an extremely effective control device for close range immobilization. Only officers successfully completing the Department taser training program will use the taser. The taser should never be aimed at the subject's head, neck, eyes, or groin.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant will leave an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm, or is necessary to effect the arrest of an actively resisting subject, or prevent the escape of that subject.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others. A verbal warning must be issued to the subject that chemical spray will be used prior to the use of chemical spray, unless it would present a danger to the officers or others to issue such a warning and, when feasible, the officer will defer using chemical spray for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

Policy:

Cincinnati Police Officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effectuating an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to effect arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control. They must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.

Force situations often do not allow for ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience.

The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members of the CPD have a duty to ensure that use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, or confronts resistance that results in an injury or complained of injury to a citizen, or have knowledge of any of the above, or are aware of a citizen complaint of excessive force they will immediately notify a supervisor.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

Use of Force Continuum

SUBJECT RESISTANCE	FORCE OPTIONS	OFFICER / SUBJECT FACTORS
<p>Compliant / Cooperative Complies with verbal commands and other directions</p> <p>Uncooperative Fails to respond to verbal commands or other directions.</p> <p>Active Resistance Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p>Assault or Threat of Assault Subject assumes fighting stance, charges, strikes, or kicks an officer or verbally or physically indicates intent to commit an assault combined with the subject capability to assault</p> <p>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death</p>	<p>Officer Presence</p> <p>Verbal Skills</p> <p>Chemical Irritant</p> <p>Escort Techniques</p> <p>Restraining Techniques</p> <p>Balance Displacement</p> <p>Hard Hands (Pressure Points/Strikes)</p> <p>PR-24 (Baton)</p> <p>Less Than Lethal Beanbag Shotgun 40 mm Foam Round Pepperball Launcher Taser</p> <p>Deadly Force</p>	<p>Physical Size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p>
		SPECIAL CIRCUMSTANCES
		<p>Environmental Factors</p> <p>Distance from subject</p> <p>Officer injury / exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History / knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to effect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgement and the circumstance of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements or calling in specialized units may be an appropriate response to a situation.

Procedure:**A. Use of Beanbag Shotgun**

1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
 - a. Supervisors are responsible for loading beanbag shotguns.
 - b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull for easy identification.
 - a. Stocks on beanbag shotguns are orange and clearly labeled as "less lethal."
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be de-cocked with safety on, in secured boxes, in the trunks of vehicles.
 - a. A breakaway seal will be on each box.
 - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
 - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
 - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from nor the presence of a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.

- a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.
8. When using a beanbag shotgun, the manufacturer's recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.
 - a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self defense, defense of another, or a situation where the round is used as an alternative to deadly force, when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
 - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550.
9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
 - a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.
10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
11. If four rounds prove to be ineffective, officers need to consider another option.

12. After using a beanbag shotgun, and after an individual is under control, immediately notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.

a. Officers are exempt from the notification requirements during incidents involving civil unrest.

B. Use of 40mm Foam Round

1. A 40mm foam round launcher will be assigned to each district.

2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.

3. The 40mm foam round launcher is a single shot shoulder mounted weapon.

a. A holographic sight is attached to the launcher to assist with aiming and shot placement.

4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.

a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.

b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the foam round.

c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.

5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm exact impact sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
 - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
6. If four rounds prove to be ineffective, officers need to consider another option.
7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

C. Use of Pepperball

1. Pepperball launchers will be assigned to the districts at the discretion of the Police Chief.
2. The Pepperball round consists of a small hard plastic sphere containing OC pepper powder.
3. The Pepperball launcher is a semi-automatic shoulder mounted, high capacity weapon powered by compressed air.
 - a. Each district will be assigned one SCUBA compressed air tank and a Pepperball fill adapter.
 - b. Any member of Cincinnati Fire Squad 52 can refill SCUBA tanks at the firehouse at 5th and Central Avenues.
4. Only supervisors and officers trained in the use of Pepperball launchers are permitted to use the weapons.

- a. The presence of a second officer is highly recommended in the event the officer using Pepperball encounters lethal resistance.
 - b. If serious injury requiring hospitalization occurs from the use of Pepperball, follow the notification process for shots fired as outlined in Procedure 12.550.
5. When using Pepperball, aim at center mass. Avoid the head, neck and groin areas if possible. The effective range of the Pepperball is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation according to manufacturer's specifications.
 - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
 - b. Heavy clothing can hinder the effectiveness of the Pepperball rounds. If a subject is wearing heavy clothing, consider targeting the legs.
 - c. Subjects struck with Pepperball rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing Pepperball rounds.
 - d. Decontamination for individuals exposed to Pepperball OC powder is fresh air and clear cool water.
6. Pepperball rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls or the ground.
7. After using Pepperball, and after the individual is under control, inform onlookers that Pepperball is a non-lethal alternative designed to apprehend individuals without causing serious injury.

- a. Officers are exempt from the notification requirements during incidents involving civil unrest.

D. Use of the Taser:

1. Use the taser to control violent or potentially violent suspects under the following conditions:
 - a. Attempts to subdue the subject by conventional tactics are inappropriate or ineffective.
 - b. There is reasonable expectation it will be unsafe for officers to approach within contact range of the suspect.
2. Officers should, if possible, obtain sufficient backup before using the taser to control the suspect.
 - a. Deploy personnel in such a manner that will enable them to use other appropriate means to subdue the subject if the taser is ineffective.
 - b. Officers will use extreme caution and avoid standing near the subject.
3. Depressing the taser release bar will propel two darts. The darts pull two fine conducting wires from a cassette. The target bar must be held down for at least 5 seconds to be effective, and must not be held down for longer than 20 seconds.
 - a. It is necessary for both darts in a cassette to hit some part of the suspect's clothing or body for the taser to be effective.
 - 1) If the suspect is wearing heavy clothing, the taser may not be effective.
 - 2) If a first shot does not make contact or is ineffective, attempt a second shot.
 - 3) If a second shot does not make contact or is ineffective, end taser deployment.

- b. Due to the high voltage electronic spark of the taser, never test or fire it near flammable materials.

- 1) Do not use the department issued chemical irritant and the taser simultaneously.

4. Medical Treatment Guidelines:

- a. Officers will obtain appropriate medical treatment for suspects when necessary.
- b. Only medical personnel may remove darts embedded in a subject's skin.
 - 1) Transport the individual to University Hospital for removal.

5. Charging and Care of the Taser:

- a. Designated vehicles in Park Unit, Traffic Unit, and the districts are equipped with unloaded tasers.
 - 1) Do not store taser cartridges at temperatures above 150 degrees Fahrenheit. Extreme temperatures can cause defects in the cartridges. Supervisors will remove the taser and cartridges from police vehicles not in use when temperatures could exceed the recommended storing temperatures.
- b. All districts, the Park Unit, and Traffic Unit have taser battery chargers.
- c. When the taser is used, replace with a fully charged battery. When used for a brief test activation, replace the battery with a fully charged battery at shift completion.
- d. Do not leave the same battery in a taser for more than two weeks without recharging, even if the taser was not used.
- e. Nickel cadmium batteries are spent after 500 to 1000 charges. This equates to approximately six months field use.

E. Use of Chemical Irritant:

1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.
2. Where feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
3. Officers may only use chemical irritant on a restrained individual when the restrained individual or another person is likely to suffer injury or to escape, absent the use of the chemical irritant.
4. If it is necessary to use chemical irritant on a violent prisoner after handcuffing and placing him in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead officers will spray the prisoner through the protective screen.
 - a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening, or through the rear door window nearest the prisoner's face.
 - b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.
5. When spraying chemical irritant, if possible spray five to ten feet from an individual using a 3 second burst(s). The target should be an individual's face and upper torso.
6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.
7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.

- a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water.
 - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
- a. When the individual complains of continued effects after having been decontaminated.
 - b. The individual indicates that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the chemical irritant.

Reporting Use of Force

Force used	Reporting requirement
Deployment of police canine (no bite)	Form 18C, explaining circumstances that led to the deployment.
Escorting or handcuffing a person, with no or minimal resistance	No special reporting required other than the narrative of the arrest report
“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, and pressure point control tactics; without injury or complained of injury	The arresting officer(s) will be required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete an officer’s report of non-compliant suspect/arrestee form report to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.
Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and forty millimeter foam rounds; taser; pepperball; and any use of force resulting in injury or complained of injury or allegation of excessive force	Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties. For chemical irritant use, taped statements are only required if the use occurs after handcuffing.
All serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission	CIS and IIS will respond to the scene of, and investigate

F. Reporting a Use of Force:

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), if on duty, or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant during the incident, whose conduct led to the injury to a prisoner, or who authorized the conduct that led to the reportable incident.
 - a. If none of the above are on duty, ensure the next command officer is notified when he comes on duty.
 - b. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander for all serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission.
 - c. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of any witnesses and officers at the scene, and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken.
 - a. Other than a simple use of chemical irritant, a supervisor will ensure neutral officers transport the prisoner to a detention facility or hospital, if applicable.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
 - b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.

- c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
 - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
- d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a PCS (Police Communications Section) supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.
 - 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
 - 2) The district/section/unit commander will call the officer to determine the correct course of action.
- 3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
 - a. The tape recorded interview will contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe, which took place at 1012 Ludlow Avenue."
 - 4) Identity of the person interviewed.

- 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - b. If more information is needed, ask the appropriate questions.
 - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time; e.g., "This is Sgt. Saunders concluding this interview with Mr. John Doe. The time is 2000 hours."
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that necessary medical attention is secured.
 - a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
 - 1) The investigating supervisor will record his name, badge number, date, time, and name of the subject on the photographs. Attach the photographs to the original report.
 - b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.
 - 2) Interview the arrested. Tape record the interview.
 - 3) Interview the treating physician. Tape record the interview if the physician permits it. Include the diagnosis in the report.

- a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
 - 5) Note on the Form 18F if the subject refuses treatment at the hospital.
5. If the arrested is seriously injured (as defined in this policy) or admitted to a hospital, immediately notify the IIS Commander, the district/section/unit commander of the involved officer, the CIS (Criminal Investigation Section) Commander, and the Night Chief/Duty Officer if on duty.
- a. Incidents involving the self-ingestion of contraband are exempt from the procedure.
 - b. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
 - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
 - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.
 - b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.

6. The investigating supervisor will complete a Form 18F.

- a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:

Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.

Conspicuously Ignoring: Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.

Resistive Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. Can be full body resistance or a particular body part. Goal of the action is to prevent control by means of superior strength.

Exaggerated Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.

Excessive Emotional Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.

Combative/Assaultive: Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet kicks, punches, elbow strikes spitting, biting etc.)

Armed: Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.

- b. Include concise statements addressing corroboration or contradiction for each witness.
 - c. Type a brief summary of the Use of Force incident on the Form 18F that includes the following information.
 - 1) Decision to arrest, including the basis for the stop and seizure
 - 2) How the subject resisted arrest
 - 3) Subject's resistive behavior
 - 4) Officer's tactics and actions to counter resistance/assault
 - 5) The supervisor's analysis of the propriety of the officer(s) use of force
- 7. The investigating supervisor will complete a Citizens Complaint Form (Form 648), if while investigating a use of force, the individual alleges excessive force. He will investigate the complaint thoroughly while all participants and witnesses are present. See Procedure 15.100 for routing of the form.
- 8. The investigating supervisor will ensure the completion of and sign the Form 527 (Arrest and Investigation Report) and Form 527A (Case and Bond Information Sheet) listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.
- 9. The investigating supervisor will immediately facsimile the Form 18F to the following locations:
 - a. Police Chief's Office
 - b. Internal Investigations Section

c. Patrol Bureau

d. Inspections Section

10. The original report and one copy will be forwarded to the involved officer's assigned district/section/unit commander. The district/section/unit commander will review the original report and complete a use of force supplement. Within seven days, the district/section/unit commander will forward, in a sealed envelope, the taped statements, photos, and original report to the Police Chief's Office through the affected bureau commander.

a. Inspections Section will file the photographs and tapes with its copy of the Form 18F.

11. If an additional investigation is required, note it on the supplement.

12. The investigating supervisor will make a blotter entry describing the incident and action taken.

13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.

G. Reporting Process for Use of Taser/Beanbag Shotgun/40 mm Foam Round/Pepperball Launcher

1. Supervisors must complete a detailed Form 18TBFP after any officer uses one of the above devices. The Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40 mm, or Pepperball round.

- a. Complete a Form 18T (Taser Silhouette Report) for taser use and attach to the Form 18TBFP.
 - 1) Report any accidental discharges on a Form 17 and route via chain of command.
- b. Facsimile the Form 18TBFP to the following locations:
 - 1) Police Chief's Office
 - 2) Patrol Bureau
 - 3) Inspections Section
- c. Send the original report and one copy to the district/section commander. After review, the district/section commander will forward the original report to Inspections Unit through the affected bureau commander.
- d. No supplementary report is necessary unless requested by the Police Chief or bureau commander.
- e. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the taser/beanbag shotgun/40mm foam round/Pepperball launcher.

H. Reporting Process for an Injury to Prisoner:

- 1. Supervisors will complete a Form 18I for any injury to the arrested, not the result of the use of force, while under or just prior to police control, and as a result of police activity.
- 2. The narrative section of the Form 18I will be brief and concise. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.

3. Facsimile the Form 18I to the following locations:
 - a. Police Chief's Office.
 - a. Patrol Bureau.
 - c. Inspections Section.
4. Forward the original Form 18I along with the photographs to the district/section/unit commander for review.

I. Reporting Process for Use of Chemical Irritant

1. Supervisors will complete a Form 18CI when reporting the use of chemical irritant.
 - a. Facsimile copies to:
 - 1) Patrol Bureau
 - 2) Inspections Section
 - b. Forward the original report to the involved officer's assigned district/section/unit commander. After review, the district/section/unit commander will forward the original report to Inspections Section through the affected bureau commander.
 - c. Keep a copy for the unit files.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.
3. Inspections Section will maintain and file all Forms 18CI.

J. Priority of Forms:

1. If more than one act by an individual occurs (e.g., use of force and a use of beanbag shotgun), only one report is needed.
2. Listed below is the order in which a report is made, with "1." being the highest priority:
 - a. Use of Force

- 1) Include taser/beanbag shotgun/40mm foam round/Pepperball information, if applicable.
 - 2) Include canine information, if applicable.
- b. Taser/Beanbag Shotgun/40mm Foam Round/Pepperball
- 1) Include canine information, if applicable.
- c. Canine
- d. Injury to Prisoner
- e. Chemical Irritant
- f. Officers' report non-compliant suspect/arrestee
- K. Documentation Needed for Each Form:
1. Form 18F (Supervisor's Use of Force Investigation Report):
 - a. Taped statement
 - b. Photos
 - c. Medical release (if treated)
 - d. Summary of doctor's diagnosis (if treated)
 2. Form 18TBFP (Use of Taser /Beanbag Shotgun / 40 mm Foam Round / Pepperball):
 - a. Taped statement with use of beanbag shotgun, 40 mm foam round, Pepperball.
 - b. No taped statement with use of taser
 - c. Photos
 - d. Medical release (if treated)
 - e. Summary of doctor's diagnosis (if treated)
 3. Form 18C (Use of Canine - Canine Bite):
 - a. Taped statement

- b. Photos
 - c. Medical release (if treated)
 - d. Summary of doctor's diagnosis (if treated)
4. Form 18CI (Use of Chemical Irritant):
- a. Short narrative
 - b. No photos
 - f. No taped statement unless subject was handcuffed at the time.
5. Form 18I (Injury to Prisoner):
- a. Photos only
 - b. No taped statement
6. Form 18NC (Officers' report of non-compliant suspect/arrestee):
- a. Report only
- L. Responsibilities of Inspections Section to insure policy and procedure compliance and implementation:
- 1. Inspections Section will review, and evaluate in writing, and submit for Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, and PR-24, and all canine bites (except those causing serious injury or hospital admission).
 - 2. Inspections Section will review, evaluate, and submit for Chief's approval all investigations of chemical irritant use on handcuffed individuals.
 - 3. Inspections Section will review all Officer's Report of Non-Compliant Suspect/Arrestee for trends and training issues.

Dear Lt. Biehl:

I looked for someone appropriate to write to on your website. I am a former resident of Cincinnati (Montgomery actually) who now resides in Wellston, Ohio. This was a tragic week for our small, rural community with the loss of a precious 21-year old female officer of the Wellston city police department by the name of Kelli Lambert.

In light of this awful, awful event, I want you to know how proud I was to arrive at yesterday's calling hours and today's funeral to see three Cincinnati police cruisers and some of the most professional law enforcement officers I've ever encountered. These officers I am referring to are from the Cincinnati police department. Your department's willingness to send these men and women two hours or so away from Cincinnati was noticed and appreciated by many of us in attendance. As a former resident, I was very much touched by Cincinnati's ability to reach out and support a small community at a time of emotional loss.

Cincinnati has certainly had its share of challenges in recent years and I am one who believes that law enforcement does not get its proper appreciation. As I looked at your officers and talked with friends yesterday and today, I was very proud to say that I am from Cincinnati and I believe your officers need a pat on the back.

Thank you,

T.J. Justice
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